EXHIBIT   2

From:	KINZEL, EMMETT (TROOPERS)
To:	Amy L. Bellantoni
Subject:	RE: Open Carry
Date:	Tuesday, September 6, 2022 5:42:15 PM

Amy,

As you know, PL 400.00(2)(f) states "have and carry concealed," the arrestable offense to open carry could be the lesser class A misdemeanor in PL 400.00(15), for violating the terms of the pistol permit. An argument could be made that the individual carried outside of the pistol permit and therefore was in criminal possession of a weapon. These are decisions made by the investigation police agency, along with the District Attorney's office.

Emmett

Emmett R. Kinzel
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-----Original Message-----
From: Amy L. Bellantoni <abell@bellantoni-law.com>
Sent: Tuesday, September 6, 2022 5:30 PM
To: KINZEL, EMMETT (TROOPERS) <EMMETT.KINZEL@troopers.ny.gov>
Subject: Open Carry

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Good afternoon Sgt. Kinzel,

With respect to "open carry", if an individual holding a valid NYS pistol license carries open and exposed in a holster for self-defense, would that be an arrestable offense?
If so, would that be a violation of Penal Law 265 (because open carry is banned in NY) or Penal Law 400.00(15)?
Thank you,

Amy L. Bellantoni, Esq.
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